

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Wing Y. Cheung, et al.
SERIAL NUMBER: 10/695,089 GROUP: 1634
FILING DATE: October 28, 2003 EXAMINER: Kapushoc
TITLE: **COMPOSITIONS AND METHODS FOR IDENTIFYING
PLANTS HAVING INCREASED TOLERANCE TO
IMIDAZOLINONE HERBICIDES**

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

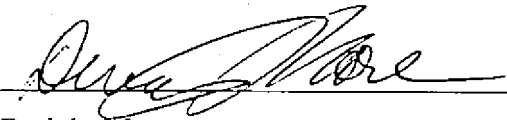
DECLARATION PURSUANT TO 37 C.F.R. § 1.132

In support of the above-identified application, Dwight More states the following.

1. I have been responsible for marketing the CLEARFIELD® canola technology since 1995. From 1995 to 1999, as an employee of American Cyanamid Company, I was responsible for marketing CLEARFIELD® canola in Canada. Since 1999, I have been Global Marketing Manager for CLEARFIELD® oilseeds, originally as an employee of American Cyanamid Company and after July 2000 as an employee of BASF Corporation. I am familiar with all business aspects leading to the development of BASF's DNA-based assay for the presence of the PM1 and PM2 mutations in *Brassica napus*.
2. Prior to October 29, 2002, the filing date of USSN 60/421,993, the provisional application to which the present application claims priority, both American Cyanamid Company and BASF Corporation required written agreements containing obligations of confidentiality before disclosing any DNA-based assay for the presence of the PM1 and PM2 mutations in *Brassica napus* to any third party.

3. American Cyanamid Company and BASF Corporation did not publicly disclose, offer to sell, or sell any DNA-based assay for the presence of the PM1 and PM2 mutations in *Brassica napus* prior to October 29, 2002.

All statements made herein of declarant's knowledge are true, and all statements made on declarant's information and belief are believed to be true. The statements made herein were made with the knowledge that willful false statements and the like thereof so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.


Dwight More

Dated: June 27 / 2006